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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,006	02/18/2004	Dae-Kwang Jung	5000-1-506	2394
33942	7590	07/31/2007		
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			EXAMINER KIM, DAVID S	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

C

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/781,006

Applicant(s)

JUNG ET AL.

Examiner

David S. Kim

Art Unit

2613

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-18.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

KENNETH VANDERPUYE  
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE:

#### AMENDMENTS

Applicant's proposed amendment introduces limitations absent from the previous version of the claims. In doing so, the proposed amendment raises new issues related to a change in the scope of the claims. A proper and sufficient response to these new issues would require further consideration and/or search.

In particular, notice the amendment to claim 16. The previous version of the claim 16 disclosed "a second circulator coupled to plurality of mirrors". The proposed amendment to claim 16 changes this limitation to disclose "a second circulator coupled to said multiplexing/demultiplexing unit". This proposed amendment introduces a change in the scope of claims 16-17. A proper and sufficient response to this new change would require further consideration and/or search.

Continuation of 13. Other:

#### ARGUMENTS

Applicant's arguments (filed on 05 July 2007) have been fully considered but are not persuasive. Applicant states,

"Applicant respectfully disagrees that a series of Fabry-Perot Laser Diodes that receive an individual demultiplexed output arc 'a plurality of reflectors comprised of mirrors' as recited in claim 1.

First of all, while a Fabry-Perot Laser Diode has two reflecting surfaces inside a cavity, the reflecting surfaces face each other so as to reflect light back and forth, and one or both transmit a fraction of the resonant frequency. The resonance is created by making the distance of one round trip between reflective surfaces equal to an integral number of wavelengths of the Cavity material. The reflection back and forth creates constructive interference if the reflections are in phase, or destructive interference occurs if the reflections are not in phase. In any event, the FPLD shown in Lee does not reflect the light back to the demultiplexer shown in Fig. 3 of Lee, nor is the demultiplexer a multiplexing/demultiplexing unit as recited in claim 1" (REMARKS, p. 8, 1<sup>st</sup> and 2<sup>nd</sup> full paragraphs).

Examiner respectfully notes that prior art, Ramaswami et al. (Optical Networks: A Practical Perspective, 2<sup>nd</sup> ed., hereinafter "Ramaswami"), characterizes the reflecting surfaces of a Fabry-Perot cavity as mirrors (p. 167, 2<sup>nd</sup> full paragraph). Furthermore, Fig. 3 implies that light enters and exits from the same (left) side of an F-P LD. Therefore, as the mirror faces of the cavity reflect at least some of the light that enters the cavity, it follows that at least some of the demultiplexed light from the multiplexing/demultiplexing unit would be reflected back to the multiplexing/demultiplexing unit. Accordingly, Applicant's arguments are not persuasive, and Examiner respectfully maintains the standing rejections.